THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.A.No. 121 of 2006

And

W.P.No. 14592 of 2005

Between:

The APS RTC rep. By its Depot Manager,

Jammalamadugu, Kadapa district.

…… Appellant

and

APS RTC National Mazdoor Union, Jamma,amadugu, Kadapa district.

…… Respondent.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.A.No. 121 of 2006

And

W.P.No.14592 of 2005

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel on either side and at their request the main appeal itself is taken up for 'hearing and disposal'.

The appellant is the respondent in the writ petition. The respondent herein filed the writ petition being W.P.No.14592 of 2005, wherein the learned Single Judge granted interim stay of recovery, pursuant to the proceedings dated 29.06.2005 issued by the appellant.

Admittedly, the conciliation proceedings are pending before the Assistant Commissioner of Labour, Kadapa and, therefore, the grievance of the respondent-petitioner is that during pendency of the said proceedings the question of recovery does not arise.

The learned Single Judge, having gone into the material available on record, granted interim stay.

Heard the learned counsel on either side and perused the material available on record.

When the substantive proceedings are pending before the Conciliation Officer, it is not necessary to go into the merits of either the writ petition or the writ appeal. However, in the interests of justice, it is expedient to direct the early disposal of conciliation proceedings. In view of the same, at the request of the learned counsel on either side, the main writ petition also is taken up for disposal.

In view of the aforesaid reasons, the writ appeal and the writ petition are disposed of, directing the Assistant Commissioner of Labour to finalize the conciliation proceedings and submit the report within two months from the date of receipt of a copy of this Judgment. There shall be no order as to costs.

It is needless to mention that till the disposal thereof, the recovery proceedings need not be given effect to.

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(B.PRAKASH RAO.J)

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(RAMESH RANGANATHAN.J)

ksld

Dt.03.02.2006

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